

drugs act. The article was labeled in part: (Can) "Neptune Brand * * * Sardines in Mustard Sauce Seacoast Canning Co. Eastport, Maine."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On March 30, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13750. Adulteration and misbranding of heroin hydrochloride tablets, codeine sulphate tablets, and morphine sulphate tablets. U. S. v. J. Augustus Miller. Plea of guilty. Fine, \$100. (F. & D. No. 19588. I. S. Nos. 2437-v, 5256-v, 15335-v, 16765-v.)

On June 10, 1925, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against J. Augustus Miller, Brooklyn, N. Y., alleging shipment by said defendant, in violation of the food and drugs act, in various consignments, namely, on or about January 22, April 1, and June 2, 1924, respectively, from the State of New York into the States of Massachusetts, Vermont, and Missouri, respectively, of quantities of morphine sulphate tablets, and on or about April 24, 1924, from the State of New York into the State of Pennsylvania of quantities of heroin hydrochloride tablets and codeine sulphate tablets, respectively, all of which were adulterated and misbranded. The articles were labeled, respectively: "1000 Hypodermic Tablets Heroin Hyd. $\frac{1}{2}$ gr. 5 mgm. J. A. Miller Co., New York. J. Augustus Miller Chemical Works * * * Brooklyn, N. Y."; "1000 Tablet Triturates Codeine Sul. $\frac{1}{2}$ gr. 32 mgm. J. A. Miller, Brooklyn, N. Y."; and "1000" (or "100") "Hypodermic Tablets Morphine Sul. $\frac{1}{2}$ Gr. 32 mgm" (or " $\frac{1}{4}$ gr. 16 mgm.") "J. A. Miller, Brooklyn, N. Y."

Analysis of samples of the articles by the Bureau of Chemistry of this department showed that: The two lots of morphine sulphate tablets labeled " $\frac{1}{2}$ Gr. 32 mgm." averaged not more than 0.41 grain, equivalent to 26.6 milligrams, and 0.42 grain, equivalent to 27.3 milligrams, respectively, of morphine sulphate to each tablet, and those labeled " $\frac{1}{4}$ gr. 16 mgm." averaged not more than 0.196 grain, equivalent to 12.7 milligrams, of morphine sulphate to each tablet; the heroin hydrochloride tablets, labeled " $\frac{1}{2}$ gr. 5 mgm.," averaged not more than 0.069 grain, equivalent to 4.49 milligrams, of heroin hydrochloride to each tablet; and the codeine sulphate tablets, labeled " $\frac{1}{2}$ gr. 32 mgm.," averaged not more than 0.426 grain, equivalent to 27.6 milligrams, of codeine sulphate to each tablet.

Adulteration of the articles was alleged in substance in the information for the reason that their strength and purity fell below the professed standard and quality under which they were sold, in that the tablets contained less of the respective products than declared.

Misbranding was alleged in substance for the reason that the statements, to wit, "Tablets Heroin Hyd. $\frac{1}{2}$ gr." and "5 mgm.," with respect to the heroin hydrochloride tablets; "Codeine Sul. $\frac{1}{2}$ gr." and "32 mgm.," with respect to the codeine sulphate tablets; "Morphine Sul. $\frac{1}{2}$ Gr." and "32 mgm.," with respect to a portion of the morphine sulphate tablets; and the statement "Morphine Sul. $\frac{1}{4}$ gr." and "16 mgm.," with respect to the remainder of the morphine sulphate tablets, borne on the labels, were false and misleading, in that the said statements represented that the said tablets contained one-twelfth grain, approximately equivalent to 5 milligrams, of heroin hydrochloride; one-half grain, approximately equivalent to 32 milligrams, of codeine sulphate; and one-half grain or one-quarter grain, approximately equivalent to 32 milligrams and 16 milligrams, respectively, of morphine sulphate, as the case might be, whereas the said tablets did not contain the amounts of the respective products declared on the labels but did contain less amounts.

On June 10, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*